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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,570	08/06/2001	Allen P. Hartman	3123-374	3113
32093	7590	02/26/2004	EXAMINER	
HANSRA PATENT SERVICES 4525 GLEN MEADOWS PLACE BELLINGHAM, WA 98226			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2651	11
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,570

Applicant(s)

HARTMAN ET AL.

Examiner

Varsha A Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13, 14, 17-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 23-25 and 28 is/are allowed.
- 6) ☒ Claim(s) 11, 13-14, 17-22 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This office action is responsive to the amendment filed on December 1, 2003.

Information Disclosure

The information disclosure statement (IDS) submitted on December 8, 2003 was filed after the mailing date of the non-final office action on June 25, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Rejection Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13-14, 17-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Swearingen et al (5,668,679).

With regards to claim 11, Swearingen et al discloses a method of writing servo information in spiral patterns onto a disk surface using a servo track writer having a digital signal processor (see figs. 1 and 3 and disclosure thereof and col.3 lines 25-29; wherein CPU is considered as digital signal processing) comprising steps of:

Reading a clock track written onto the disk surface to generate interrupt signals and providing interrupt signals to the digital signal processing (see col.3 lines 25 to 64, wherein generation of missing bits is considered as interrupt signal); and generating a spiral profile based upon a predetermined interrupt rate, wherein the profile includes a write portion, a post-write pad portion, re-trace portion and a post re-trace pad portion (see col.3 lines 58 to col.4 line 23, col.8

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line 25 to col. 9 line 15 and col. 11 lines 9-17; wherein re-trace is considered as function of data verification).

With regards to claims 13 and 14, Swearingen et al discloses steps of positioning transducer as claimed (see figs. 3 and 4 elements 10-13 16, 20 and disclosure thereof).

With regards to claims 17-19, see Swearingen et al on col. 8 lines 25 to col. 9 lines 15.

With regards to claims 21-22, see Swearingen et al on col. 7 lines 1-32.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swearingen et al in view of Brunelle (5,583,712).

With regards to claims 20 and 27, Swearingen et al discloses the method of writing servo information in spiral patterns as described above in this office action, Swearingen et al however, fails to specify that the spiral pattern may also be written in a random manner as claimed.

Brunelle, discloses method of writing servo information in for example forward spiral or reverse spiral pattern (see figs. 5A and 5B and disclosure thereof).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Swearingen et al with the above teaching from Brunelle in order to provide a method for writing servo information wherein spiral pattern may be written in

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a random manner in order to maximize the throughput of a magnetic recording system and hence to increase the efficiency of the device, as taught by Brunelle.

Allowable Subject Matter

Claims 1-9, 23-25 and 28 are allowed.

Claims 1-9, 23-25 and 28 are allowable over the prior art of the record for the same reasons as indicated in the office action mailed on June 25, 2003.

Prior art cited

Reference to Elliott (6,507,450) cited as of interest.

Response to Remarks

Applicant's arguments with respect to claims 11, 13-14, 17-22 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon-Wed from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



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